

NOTICE OF MEETING

ENVIRONMENTAL MANAGEMENT COMMITTEE

I hereby give notice that an Ordinary Meeting will be held on:-

DATE: **Tuesday, 12 March 2002** **TIME:** **9.00 am**

VENUE: **Civic Centre, 6 Waipareira Avenue, Lincoln, Waitakere City**

to consider the business as set out herein and to take any necessary action connected therewith.

6 March 2002

Sidney Hargis
COMMITTEE SECRETARY

Telephone (09) 836 8000 extn 8864

MEMBERSHIP:

Councillors	PA	Hulse (Chairperson)
	DA	Yates, JP (Deputy Chairperson)
	DQ	Battersby, JP
	BA	Brady, JP
	JM	Clews, QSO, JP
	RP	Dallow, QPM, JP
	AC	Fenton
	OE	Hoskin, JP
	JP	Lawley
	GE	Nash, JP
	VS	Neeson, JP
	GB	Presland
	GW	Russell
	CA	Stone

Mayor, Bob Harvey, QSO, JP (ex officio)

(Quorum 5 members)

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(The reports and recommendations contained in all agendas are reports and recommendations only and are not to be construed, in any way, as Council policy until adopted.)

**AGENDA FOR AN ORDINARY MEETING OF THE ENVIRONMENTAL MANAGEMENT
COMMITTEE TO BE HELD IN THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE,
LINCOLN, WAITAKERE CITY, ON TUESDAY, 12 MARCH 2002,
COMMENCING AT 9.00 AM.**

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AGENDA FOR AN ORDINARY MEETING OF THE ENVIRONMENTAL MANAGEMENT COMMITTEE TO BE HELD IN THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY, ON TUESDAY, 12 MARCH 2002, COMMENCING AT 9.00 AM.

1 APOLOGIES



2 URGENT BUSINESS

Section 46A(7) and (7A) of the Local Government Official Information Act and Meetings Act 1987 provides that where an item of business is not on the agenda, it may only be dealt with at the meeting if:

- (i) the item is a minor matter; and
- (ii) the Chairperson has explained at the beginning of the meeting (when open to the public) that the item will be raised for discussion, why the item is not on the agenda, and why it cannot be delayed until a subsequent meeting; and
- (iii) the Committee resolves to deal with the item.

No resolution, decision, or recommendation may be made in respect of the item except to refer the item to a subsequent meeting for further discussion.

NOTE: Urgent Business need not be dealt with now and may be delayed until later in the meeting.



3 CONFIRMATION OF MINUTES

Ordinary - Tuesday, 12 February 2002

RECOMMENDATION

That the minutes of the Ordinary Meeting of the Environmental Management Committee held on Tuesday, 12 February 2002, as circulated, be taken as read and now be confirmed.



PART I - REGULATORY / ENFORCEMENT

4 LEGAL UPDATE (AS AT 28 FEBRUARY 2002)

INTRODUCTION

The following is a list of legal actions in respect of matters within the scope of the Planning and Regulatory Committee, which are currently before the Courts and which are ongoing or have been commenced since the date of the preceding report. The list does not include minor matters such as dog, health and litter prosecutions although advice on any particular such prosecution can be provided to the Committee if it wishes. The dates referred to in the headings are the dates on which appeals, informations or proceedings were first filed in Court.

ENVIRONMENT COURT

APPEALS

PJ Lipsham v Waitakere City Council (24 October 2001)

Appeal against consent conditions imposed for proposed subdivision within Oratia Structure Plan area. The matter will proceed to mediation shortly.

Mobil Oil NZ Limited v Waitakere City Council (Appeal filed late September/early October 2001)

Henderson Valley Developments Limited v Waitakere City Council (12 October 2001)

Both the above appeals relate to the proposed 264 residential development intended for 2-6 Henderson Valley Road. Council granted consent to this development subject to conditions on 18 September 2001. Mobil has filed an appeal relating to traffic conditions including a proposed roundabout. The applicant Henderson Valley Developments has appealed several conditions relating to payment of financial contributions.

8 Wallace Road Limited v Waitakere City Council (14 September 2001)

This is an appeal filed by 8 Wallace Road Limited against a decision by Council refusing consent to a medium density housing proposal for 31 residential units in Wallace Road, Ranui. The matter to be scheduled to be reviewed in a call over before the Court once a date becomes available.

Estate Homes Limited v Waitakere City Council (31 August 2001)

Estate Homes has appealed the financial reserves contribution assessed as payable for the second stage of its subdivision at 13-15 Sturges Road. A cash bond of the amount of the contribution in dispute has been paid and on that basis Council has consented to an Order allowing the subdivision to proceed. The matter has been called in Court and is to be allocated a date for hearing in due course.

Druker and Michaels v Waitakere City Council and Anor (9 August 2001)

This is an appeal by AS Druker and AC Michaels against a decision by Council to grant an application for resource consent for an auditorium, youth lounge, administration, Sunday School rooms and additional car parking at Green Bay Community Church in Bardon Road, Green Bay. Mediations took place on 28 January and 18 February 2002 and did not resolve the matter. The church is to issue proceedings covering related issues in the District Court and accordingly this matter has been adjourned indefinitely until those issues are resolved. Solicitors for the church are to report to the Court on their progress with the related matter on 1 March 2003.

Greg Miller v Waitakere City Council (14 May 2001)

Appeal filed by Mr Miller relating to geotechnical consent conditions imposed on subdivision consent granted for property at 657 South Titirangi Road. This appeal has been resolved by minor amendments being made to the consent conditions, and a consent order has now been issued by the Court.

Coastal Environments Limited v Waitakere City Council - Coastal Subdivision at Piha (5 March 2001)

This is an application for subdivision consent lodged by Coastal Environments Limited, which was declined by the Council. The Waitakere Ranges Protection Society and several residents groups are parties to the appeal. Coastal are presently considering whether to revise their proposal.

Spencer v Waitakere City Council - Lone Kauri Road, Karekare (29 August 2000)

This is an appeal by Mr Spencer against a decision of the Council to refuse consent to allow a subdivision of his property located at Lone Kauri Road, Karekare. Both Waitakere Ranges Protection Society and several residents groups are parties to the appeal. A mediation between all parties took place on 28 November 2001, where it was agreed that a further mediation take place in March 2002, following an agreed process to obtain further information.

Kitewaho Bush Reserve Company Limited and Ors. v Waitakere City Council - Declaration/Enforcement Proceedings - (1996)

High Court Appeal by Waitakere City Council v Kitewaho Bush Reserve Company Limited and Ors (Filed 22 January 2002)

These proceedings involve applications for declarations and enforcement orders by Kitewaho and associated companies relating to approximately eight different subdivision applications and related applications for certificates of compliance. This matter was heard Judge Treadwell over seven days between 12 - 20 July, with closing addresses delivered on 27 July 2001.

On 18 October 2001 Judge Treadwell released an interim decision rejecting Kitewaho et al's declaration and enforcement applications, and essentially finding in Council's favour.

In December 2001 the Court released its final decision. In that decision the Court found that the proceedings issued by Kitewaho and related companies were largely misconceived. Costs were reserved. In other words, Council was successful in its defence of all aspects of these proceedings (other than certain findings by the Court in relation to Section 91 and Section 92 Resource Management Act).

At a meeting of Council on 19 December 2001, it was resolved that an appeal should be lodged to the High Court to clarify the Court's decision in relation to matters of interpretation of the Resource Management Act. That appeal was filed on 22 January 2002 and has been served on the other parties involved (ie. Kitewaho and related companies and the Auckland Regional Council). The High Court has set the appeal down for an Initial Conference on 11 March 2002, where timetabling orders for the hearing of the appeal will be made.

It is likely that the Council will shortly file an application in the Environment Court for costs against Kitewaho.

ENFORCEMENT ORDERS

Derek Moors - 17 Erangi Place, Bethells Beach (17 May 2000)

An application by Council for enforcement orders against Mr Moors for the presence of unpermitted dwellings, buses and caravans on the property for a long period. The caravans and buses have been used periodically to provide semi permanent rental accommodation. The Enforcement Order proceedings have been adjourned after Mr Moors made an application for resource consent. The application submitted seeks to provide a central ablutions block and regularisation of disposal of waste from the existing buildings. This application is opposed by some local residents. The Auckland Regional Council are about to notify their aspect of the application and it anticipated that a joint hearing will occur in April.

Waitakere City Council v Borrett - Sunnyvale Road, Red Hills

Application for Enforcement Orders in relation to an alleged illegal landfill site in Sunnyvale Road. A search warrant and an Order to inspect the property were obtained from the Court in September 2001 and Council officers have since inspected the property. As a result of that inspection, amendments to the Enforcement Orders being sought will be made. The Court has now set this matter down for a priority hearing, with a date to be advised by the Registrar in due course.

Peter Millman v Waitakere City Council - Woontons Lane, Titirangi (1999)

Appeal by Mr Millman against an abatement notice issued by Council relating to alleged excessive noise from activities taking place on Mr Millman's property. This matter proceeded to mediation in July 2001, with an agreement in place for review of the abatement notice. It is expected that this matter may settle shortly.

Shan Ali and Sarul Nisha - 3 Bellaire Court, West Harbour (20 November 2000)

Application for Enforcement Orders against the above on the basis that their large house exceeds Rules 4 and 5 of the Living Environment Rules of the Waitakere City Proposed District Plan. Those rules relate to a height infringement and a height to boundary infringement. The matter is set down for a hearing on 27 March 2002.

PROSECUTIONS

Barry Cargill - 58A Rauhuia Crescent, Huia (17 May 2001)

Informations have been laid against Mr Cargill under CRN Nos.1090017265 & 66 in relation to the clearance of bush in the Coastal Natural Area. The matter is set down for a two day defended hearing in the week beginning 27 May 2002.

Apelu Talatonu and TNT Tree Surgeons - 53 Helena Street, Massey (22 June 2001)

Informations have been laid against both of the above defendants on the basis that they approached the owners of the above property and offered to cut down a large liquid amber tree. On 16 November 2001, Mr Talatonu entered a plea of guilty to the charges, which were transferred to the Environment Court for sentencing. The matter is to be called in the Environment Court on 6 March 2002 so that a sentencing date can be set.

Gavin and Anne Adams, G&A Developments Limited, Kane Holdings Limited - 49 Munroe Road, Swanson (22 June 2001)

Council prosecuted the Adams' and G&A Development Limited as owners of the above property and Kane Holdings Limited as a forestry contractor for clearing at least 50 large eucalypts and at least six native tree ferns on the above property. The eucalypts were a significant amenity for the neighbourhood, being up to 40 metres high and in some cases over a metre in diameter.

The case was defended vigorously over three full days of hearing from 20 to 22 February 2002 in the Environment Court. On 25 February, Judge McElrea gave a 2½ hour decision convicting Kane Holdings of clearing the eucalypts and natives and the other parties of clearing the eucalypts and one large tulip tree. Convictions have been entered and the matter is adjourned until 8 March for sentencing.

Reginald Nevill-Jackson - 571 and 573 Scenic Drive, Waitakere (27 July 2001)

On 15 February 2002, Mr Nevill-Jackson pleaded guilty to clearing an area of at least 350m² of native bush on his properties in the Waitakere Ranges Area. Judge McElrea of the Environment Court felt that the appropriate penalty in the circumstances was \$7,500, and imposed that by way of fines and costs. An order was made pursuant to Section 342 of the Resource Management Act that 90% of the fines be paid to Council.

BUILDING ACT PROSECUTIONS

Heather Piper - 20 Bancroft Crescent, Glendene (17 November 2000)

Informations CRN Nos.0090031258-65 have been laid against Ms Piper for unauthorised building work involving the alteration of two factory units into self-contained residential accommodation; and permitting the use of those units when they had inadequate means of escape from fire, were unsafe, and were unsanitary.

Ms Piper has accepted the facts set out in Council's summary and defended the prosecution largely on the basis on the statutory defences set out in the Building Act 1991. The matter was heard on 18 December 2001 at the Waitakere District Court in front of Judge Hubble. The Court entered convictions and has adjourned the case until after 8 March 2002 for sentencing.

HIGH COURT - APPEALS FROM BUILDING ACT PROSECUTIONS

Aik Law and Kim Lai - 34 Rathgar Road, Henderson (21 August 2001)

These defendants rented an unsanitary building, previously a garage, to a family of six for a period of four years and three months. On 25 May 2001, they were convicted in the Waitakere District Court pursuant to CRN Nos.0090028151 & 52 and sentenced to total fines of \$40,500.

The defendants subsequently appealed by the conviction and sentence. Council has filed an application to produce further evidence on the appeal and this is to be heard on 11 March 2002.

Graham Gordon - 202 Shaw Road, Titirangi (7 July 2001)

Mr Gordon defended charges brought against him for bringing fill onto his property in contravention of the District Plan earthworks provisions. Mr Gordon was found guilty of the offences by Environment Judge Treadwell, fined \$2,500 on each of the two charges and \$2,000 costs were awarded to Council. Mr Gordon has appealed both the decision and the fine to the High Court.

This appeal was heard on 15 February 2002 by His Honour Justice Baragwanath. After submissions from both parties in respect of the various grounds of appeal Counsel for Mr Gordon indicated that it was unnecessary to proceed with the appeal and the Court dismissed the appeal. The Court reserved the issue of costs for the parties to make written submissions.

On 16 November 2001, further informations were served on Mr Gordon in relation to other resource management charges that allege that he has breached the Act by allowing car bodies to be stored on his property and allowing multiple household units to be established. These matters are to be called on 22 March 2002 for Mr Gordon to enter a plea.

Peter Millman - 9 Woontons Lane, Titirangi (21 August 2001)

Mr Millman pleaded guilty to five charges laid under the Building Act for carrying out unauthorised building work, consisting of the construction of a three level building and the complete remodelling of a large dwelling-house without consent. On 27 July 2001, Judge Johnson sentenced Mr Millman to fines of \$4,000 on each charge, making a total of \$20,000.

Mr Millman has subsequently appealed the sentence and this matter was heard in the Auckland High Court on 7 December 2001. His Honour Judge Patterson determined that the totality of the fine should be reduced to \$15,000 as he determined the Court had concentrated too heavily on the number of charges brought and not considered the appropriateness of the total fine.

While the Court reduced the total fines in this case, it is considered that this decision provides cl with significant support in obtaining appropriate fines in the District Court by confirming a \$5,000 starting point for lower level offending and setting a \$10,000 to \$15,000 range for large buildings. The Court also confirmed that while a defendant's means need to be considered by the Court when sentencing the fine should not be determined solely upon the ability to pay the fine.

The decision supports the level of fines imposed by the District Court in recent times.

RECOMMENDATION

That the information be received.

Report prepared by: John Watson, Patrick Mulligan and Robert Enright, Contract Solicitors.



5 **IMPROVING THE INTERFACE BETWEEN COUNCIL'S ENFORCEMENT ROLE AND THE COMMUNITY**

PURPOSE OF THE REPORT

This report identifies measures that both can and are already being used to improve Council's enforcement image. This report was requested by the Environmental Management Committee at its meeting on Tuesday, 11 December 2001:

"That the Chief Executive be asked to consider and report back on the programme and resources required to improve the interface between Council's enforcement role and the community."

2846/2001

BACKGROUND

While enforcing the Proposed District Plan there has been on occasion confrontation and conflict between Council's compliance staff and property owners during investigation of breaches of the Proposed District Plan.

It has been apparent in many of these cases that the property owners have had a very limited understanding of the requirements of the Proposed District Plan, the services provided by Council to facilitate compliance, the power of warranted Council Officers to go onto private property and the seriousness of the consequences that can result from non-compliance.

Similarly it is clear that the customer service skills required by Council staff dealing with difficult enforcement issues must be maintained at very high levels.

During the last financial year Field Services carried out 25,300 site visits in relation compliance and enforcement activities.

STRATEGIC CONTEXT

Council has regulatory functions, duties and powers under the Resource Management Act and a number of other Acts. It has an obligation to fairly and impartially enforce its Proposed District Plan and other regulations. At the same time Council is committed to working with residents in a constructive manner. Raising the level of public awareness of Proposed District Plan rules and other regulations while providing high levels of customer service contributes to both of these objectives.

PROMOTION AND PUBLICITY

A promotion and publicity programme focused on educating individual property owners about their obligations under the Proposed District Plan, Resource Management Act and other Acts that positively reinforces the goals of the EcoCity is one of the best proactive measures available to Council to help improve the interface between Council's enforcement role and the Community.

By using the City Newsletter, paid advertisements in local papers and the rates mail-out, articles providing information on tree removal, earthworks and building issues could be distributed to a wide audience. Such a programme would be timed to occur over a six-month period between October and March to coincide with the seasonal surge in construction activity in the City.

Council's web site, in conjunction with the Call Centre, could also be used to provide similar information and future publications of Council's "New Neighbours" handbook could include additional information on Planning and Building requirements. Similarly, handouts could be supplied to Real Estate Agents for distribution to new residents.

TRAINING

While Council staff involved in the enforcement role are trained and experienced in their respective fields, a regular training programme with refresher courses covering all aspects of good customer service, negotiating skills, and dealing with conflict will be developed. The goal of this programme will be to ensure that high standards of customer service are delivered to the City's citizens in an environment of continuous learning.

NON REGULATORY INCENTIVE SCHEME

Ideally the community/enforcement interface can be improved by working proactively with the community so that the need for enforcement action seldom arises. Assisting the education of the community in protecting and enhancing the natural environment through the Green Network Community Assistance Programme is one of the best examples of this approach.

This programme provides technical advice to the community as well as subsidies for weed control, stock fencing adjacent to valued natural areas, provision of free plants and rates relief for voluntary covenanting of natural areas. The success of programmes such as the Green Network Community Assistance Programme cannot be emphasised enough as a mechanism for helping to avoid the "bottom of the cliff" enforcement processes that can cause conflict and ill feeling towards Council.

FUNDING

The estimated cost of the proposed promotion and publicity programme is \$10,000. No funding is available in the current (2001/2002) budget and the optimum six month period for such a programme has just ended. Funding will need to be considered by Council as part of the 2002/2003 budget round. The enhanced customer service training programme can be funded from within the existing approved Field Services budget.

CONCLUSIONS

An educative promotion and publicity programme that targets increasing the level of awareness and understanding by individual property owners of their obligations under the Proposed District Plan, Resource Management Act and other Acts will help improve the interface between Council's enforcement role and the Community. Funding for this programme will need to be allowed for in the 2002/2003 budget.

Ongoing staff training in the areas of customer services, negotiating and conflict resolution are essential for continuous improvement and the delivery of a professional service by Council's compliance and enforcement. An appropriate training programme can be funded from existing training budgets. Proactive non-regulatory programmes like the Green Network Community Assistance Programme increase commitment by residents to stewardship of the natural environment and reduce the need for enforcement processes.

RECOMMENDATIONS

1. That the information be received.
2. That it be recommended to Council that \$10,000 for a promotion and publicity programme aimed at improving the interface between Council's enforcement role and the community be considered with the 2002/2003 Annual Plan.

Report prepared by: Max Wilde, Manager: Field Services.



PART II - PRESENTATIONS / DEPUTATIONS

6 DEPUTATIONS

Pursuant to Standing Order 37.1 the Chairperson has agreed that a deputation from Peter Chainey regarding Habitat for Humanity Waitakere Limited and Elizabeth Francke regarding Broken Glass be received by the Committee.

For the guidance of Councillors, Standing Orders have the following provisions in regard to deputations:

1. Unless the meeting determines otherwise in any particular case, a limit of 10 minutes is placed on a speaker making a presentation, or five minutes each if there are two members of the deputation addressing the meeting.
2. Except with the approval of the Committee, not more than two members of a deputation may address the meeting.
3. After a presentation is received members may put to the deputation any question pertinent to the subject heard, but no member shall express an opinion upon or discuss the subject until the deputation has completed making its submissions and answering questions.
4. The Chairperson may terminate a presentation in progress which is disrespectful or offensive, or where the Chairperson has reason to believe that statements have been made with malice.



A HABITAT FOR HUMANITY WAITAKERE LIMITED

Peter Chainey, of Habitat for Humanity Waitakere Limited, will speak regarding the Community Facilities and Recreation Committee minutes of 14 February 2001 and to also request support for the organisation.



B BROKEN GLASS

Elizabeth Francke, will seek the Committee's support in urging the Government to reduce the number of glass bottles in circulation with a view to reducing the danger from broken glass in public places.



PART III - DISTRICT PLAN / STRUCTURE PLANS

7 DISTRICT PLAN APPEALS UPDATE TABLE

PURPOSE OF THE REPORT

The Acting District Plan Coordinator will provide a verbal update to the Environmental Management Committee on progress in dealing with the appeals on the Proposed District Plan.

An up-to-the-minute progress report will be brought to each meeting outlining the status of the appeals.

RECOMMENDATION

That the information be received.

Report prepared by: Owena Schuster, Committee Secretary.



PART IV - ENVIRONMENTAL MANAGEMENT

8 LOCKABLE COVERS ON SPA POOLS

PURPOSE OF THE REPORT

This report is in response to a request from the Environmental Management Committee at its meeting on 12 February 2002, after a deputation from Water Safety New Zealand, for a report on special exemptions for lockable spa pool covers and any associated risks to Council.

“That the Chief Executive report to this Committee on lockable covers on spa pools.”

133/2002

BACKGROUND

A1-A10

During the last six months three reports have been requested and produced for the Planning and Regulatory Committee and Council on the use of lockable spa pool covers as an alternative to fencing in accordance with the Fencing Of Swimming Pools Act 1987. These reports were entitled “Lockable Covers for Spa Pools (Reported to the Planning and Regulatory Committee 14 August 2001), Safety Issues Relating To Swimming Pools, Spa Pools, Storm water Retention Ponds And Streams (Reported to the Planning and Regulatory Committee 10 September 2001) and Lockable Spa Pool Covers (Reported to Council 26 September 2001). These three reports are attached at pages A1 to A10 in the Attachments supplement.

From the resulting publicity Water Safety New Zealand became concerned that Council was indicating a stance that favoured the use of lockable spa pool covers. A deputation from Water Safety New Zealand to the February Environmental Management Committee meeting sought to highlight their concerns. Water Safety New Zealand does not support the use of lockable spa pool covers as an alternative to fencing and reminded the Committee that a “blanket” resolution approving the use of lockable spa pool covers could not be passed.

STRATEGIC CONTEXT

Council has a statutory enforcement role with respect to spa pools and swimming pools under the Fencing of Swimming Pools Act 1987. This role is part of Council's wider strategic role with respect to ensuring residents have a healthy and safe environment. As such this area contributes to Council's community safety and first call for children policies.

ISSUES

The three reports produced to date cover all aspects of lockable spa pool covers as an alternative to fencing. The conclusions of the first of these three reports essentially sum up the issues:

"Lockable spa pool covers do not provide the same level of protection as fencing against the accidental drowning of pre-school children in spa pools, as there are no self-closing self-latching fail-safe features."

"A special exemption permitting the use of a lockable spa pool cover (or any other alternative) can only be granted by resolution of Council, on a case-by case basis and must not significantly increase the danger to young children"

"The granting of special exemptions for lockable spa pool covers may be viewed as compromising Waitakere City Council's commitment to ensuring that Waitakere City is a safe place to live in."

APPLICATION PROCESS

For a special exemption to be considered for a lockable spa pool cover, Council requires the property owner to make a written application and payment of the scheduled fees (\$300 plus any hearing costs). Council staff will then inspect the pool and prepare a report for consideration by the appropriate Committee. With the recent changes to Committee delegations the Hearings Committee is the most appropriate place for these applications to be heard. The applicant will receive an invitation to attend the meeting and may speak in support of the application if they wish. Whether the application is to be approved or declined is the decision of the Hearings Committee and not Council's officers.

RISK

If a lockable spa pool cover is to be granted a special exemption from the Act Council must have satisfied itself that, having regard to the particular characteristics of the property, the pool and all other relevant circumstances and conditions, that "such an exemption would not significantly increase danger to young children".

Should a child drown in a spa pool with a special exemption for a lockable cover Council may have some culpability if it was proven in court that the lack of fail-safe features on lockable spa pool covers, as opposed to fencing, significantly increased the danger to young children.

To date no child has drowned in a spa pool with a lockable cover anywhere in New Zealand and consequently there is no case history to provide any guidance for Council.

CONCLUSIONS

Four reports have now been produced that cover all aspects of lockable spa pool covers as an alternative to fencing.

Council cannot make any “blanket” resolutions allowing the use of lockable spa pool covers in Waitakere City. Applications for any special exemptions must be considered on a case-by-case basis and dealt with by separate resolution.

If at some future time it was shown that a decision to approve a special exemption to the Fencing of Swimming Pools Act was such that the decision had significantly increased the danger to young children then there is a risk of culpability for Council.

RECOMMENDATION

That the information be received.

Report prepared by: Max Wilde, Field Services.



9 PROJECT TWIN STREAMS

PURPOSE OF THE REPORT

The purpose of this report is to confirm Council's commitment to implement Project Twin Streams, which has the following objectives:

- To address flooding issues in the Oratia and Opanuku Streams;
- To provide a framework for the resolution of stormwater issues in the Oratia Structure Plan;
- To provide for ongoing development in the Oratia and Opanuku Streams; and
- To improve stream ecology and water quality.

The report also sets out a community consultation programme for consideration and approval by the Environmental Management Committee.

BACKGROUND

Over the last two years Council has been working with Landcare Research to address stormwater effects in the Oratia and Opanuku Streams. This has resulted in a work programme to identify solutions to avoid, remedy and mitigate effects and resulted in the creation of Project Twin Streams. The work carried out by Landcare Research is largely funded by the Public Good Science Fund.

The Oratia and Opanuku Stream Catchments have a history of flooding and Council has developed a work programme to address this issue, including the following:

- An ongoing stream clearing and re-planting programme;
- Setting controls on development;
- Implementation of flow monitoring and predictive modelling; and
- Developing a long term comprehensive catchment management plan.

A11

A plan showing the location of the Twin Streams Catchment is attached at page A11 in the Attachments supplement.

Previous Resolutions

A report was presented to the Works and Services Committee on 10 September 2001 on the scope and consultation programme for Project Twin Streams, which resolved:

- “1. That the information be received.
2. That the Twin Streams project be approved subject to the consideration of funding requirements through the 2002/2003 Annual Budget process.
3. That all new development in the Oratia and Opanuku Stream catchments be required to mitigate the adverse effects of stormwater, provided that where the adverse effects can not be fully mitigated developers be given the option of providing partial mitigation and paying in part or in full for stormwater mitigation works to be carried out by the Council in the catchment.
4. That stormwater mitigation charges of \$5,000 plus GST be applied to all new residential lots created by the subdivision process in the Oratia and Opanuku Stream catchments.
5. That stormwater mitigation charges be applied to industrial and commercial development in the Oratia and Opanuku Stream catchment calculated on the percentage of impervious area created by the development compared to the total catchment area.”

2111/2001

and:

“That Councillor Stone be the spokesperson for the launch process.”

2112/2001

and:

“That the Committee expresses its appreciation of the innovative work undertaken jointly by Landcare and EcoWater Solutions and recognises the importance of this project in enabling future urban growth to be accommodated in an ecologically sustainable way in partnership with the community.”

2113/2001

STRATEGIC CONTEXT

Project Twin Streams will contribute to the following strategic objectives:

- Implementation of the Council's Long Term Financial Strategy;
- Compliance with the Resource Management Act; and
- Enabling development in the catchment.

Project Twin Streams promotes integrated management in line with the Resource Management Act; particularly in terms of economic, social and environmental concerns, cross-Council integration, for example with roads, locality planning, parks, urban villages work and integration of stormwater management with protection and enhancement of the natural environment.

The policy adopted by Council for the Twin Stream catchment includes the following elements:

- **Low Impact Development**

These will be based on the guidelines published by the Auckland Regional Council and publications developed by Council.

This policy will be implemented through the subdivision, land use and building consent processes. Council officers liaise with developers regularly and as the officers themselves become conversant with the methods and innovations available this knowledge will be passed on to developers and designers. As designers become aware of Council's policy for this catchment, they will begin to incorporate Low Impact Design to reduce the time they need to spend liaising with Council officers, thereby speeding up the approval process.

- **Stream Clearing**

Stream clearing and replanting has been ongoing for some years and will continue to be a maintenance item whereby a portion of the Annual Budget is allocated to works in the Opanuku Stream, Oratia Stream and the Waikumete Stream. The cost of this programme is in accordance with the funding provided in the Long Term Financial Strategy.

- **Mimicking Existing Run-off Behaviour**

This will be achieved through the continued application of the Oratia Structure Plan. In areas that are already developed it can be more difficult to apply the techniques outlined in the Low Impact Design Manual. In these cases it is more likely that 'hard-engineering' techniques such as detention tanks, or small-scale detention ponds will be required and provided by developers.

- **Riparian Corridor Restoration Programme**

It is proposed to begin the restoration of the riparian corridor in the Oratia Stream Catchment at those sites where the accompanying benefits are greatest, in accordance with a plan that will be developed to show the scope of riparian restoration works.

A12-A17

Attached at pages A12 to A17 in the Attachments supplement is a summary of the analysis that has been completed to establish the Council's overall approach.

WORK PROGRAMME

The work programme for Twin Streams includes the following:

- Discussion with the Auckland Regional Council and resolution of issues arising from the resource consent process.
- Consultation with iwi and the community as part of the resource consent and implementation programme.
- Flooding risks will continue to be mitigated through the stream clearing and willow removal programme. It is essential that this programme is continued to ensure that the effectiveness of clearing programmes completed for the last six years is sustained.
- The Register of Hazards and Special Feature will be updated with appropriate notations recorded against properties to advise of flooding risks identified in the Comprehensive Catchment Management Plans.

- The effects of increased stormwater runoff and pollution from new development will be mitigated in accordance with the policy adopted by Council of Low Impact Development.
- Detailed site specific planning of the riparian restoration programme will be carried out over the next twelve months in order to optimise solutions. As previously reported, a number of properties will need to be purchased for the implementation programme. It should be noted that riparian restoration programmes are likely to qualify for Infrastructure Auckland funding and an Expression of Interest was submitted in November 2001.
- The riparian restoration programme will also be developed and implemented in partnership with property owners. This may require an encumbrance on property titles to protect the riparian restoration programme.

The next stage of implementation for Project Twin Streams includes:

- Resolution of the Auckland Regional Council's issues;
- Implementation of a consultation strategy;
- Integration of the research work programme currently being undertaken by Landcare Research; and
- Approval of funding through the 2002/2003 Annual Plan and confirming development contributions.

AUCKLAND REGIONAL COUNCIL ISSUES

The protection and enhancement of riparian corridors included in Project Twin Streams is consistent with the objectives and policies of the Auckland Regional Policy Statement because these areas protect and enhance water quality and reduce the risk of damage caused by floods by reducing water velocities when flows overtop banks.

The Auckland Regional Council requires the resolution of flooding issues, particularly in the Oratia Stream Catchment. The Auckland Regional Council has previously adopted a policy that restricts the options to mitigate stormwater effects. This has caused concern with affected property owners and Council and Auckland Regional Council officers have been working together to develop a solution to this issue.

To enable effective management of works programme and to realise the full benefit of flood relief, the Auckland Regional Council believes that a substantial and long term financial commitment is required from Waitakere City Council. To this end the Auckland Regional Council expects to see a resolution by the Waitakere City Council which clearly establishes the commitment and ensures the long term integrity of Project Twin Streams.

The Auckland Regional Council would then consider relaxing the emphasis placed on stormwater management in the Oratia Structure Plan Area once that commitment is made.

The Auckland Regional Council further considers that Project Twin Streams must be linked to the Comprehensive Catchment Management Plans that have been prepared for the Oratia and the Opanuku Streams, which are currently subject to applications for comprehensive stormwater discharge consents. The Comprehensive Catchment Management Plans may require reviewing to ensure that they reflect what will be undertaken by the Project.

These issues are addressed in the recommendation.

CONSULTATION STRATEGY

A consultation strategy has been developed for Project Twin Streams to support the following:

- Funding applications for Infrastructure Auckland, as these require community benefits to be quantified;
- Consultation for resource consents as required by the Resource Management Act; and
- Seeking to engage the community in the implementation of the project.

The key elements of the consultation strategy are as follows:

- An environmental newsletter seeking feedback on catchment issues delivered mid September 2001;
- Project Twin Streams launch as part of Operation Stream Clean on 29 September 2001;
- Providing information on EcoWater Solutions web site;
- Carrying out community surveys to support Infrastructure Auckland applications mid October 2001;
- Consultation with affected property owners, planned to commence in April 2002, and
- Community Workshops with the objective of establishing a Community Liaison Group.

Communication Timelines

ACTIVITY	PURPOSE	TIMELINE
Iwi Consultation	<ul style="list-style-type: none"> • Seek the views of iwi prior to wider community consultation. 	March - June 2002
Consult with Developers	<ul style="list-style-type: none"> • Inform of the Council's approach for the management of stormwater in the Oratia and Opanuku catchments. • Obtain feedback on development contributions. 	April - June 2002
Property owner Consultation	<ul style="list-style-type: none"> • Obtain feedback on proposals. 	April - June 2002
Community Consultation	<ul style="list-style-type: none"> • Inform of the Council's approach for the management of stormwater in the Oratia and Opanuku catchments. • Obtain feedback on proposals. • Establish a community liaison group. 	Commence May 2002, Ongoing Throughout the Project
Catchment Community Newsletter	<ul style="list-style-type: none"> • Provide information to the catchment community. 	April 2002, September 2002
Operation Stream Clean	<ul style="list-style-type: none"> • Coordinate restoration projects with Keep Waitakere Beautiful 	September 2002

It is recommended that a Councillor be appointed by the Environmental Management Committee to be the Committee's spokesperson throughout the consultation programme.

COST RECOVERY

The cost of implementing the riparian corridor restoration programme included in Twin Streams is estimated to be \$20 million and could take at least eight years to fully implement.

It is proposed that the implementation programme will be achieved at minimum cost to Council by seeking funding from the following sources:

- Stormwater mitigation from development;
- Infrastructure Auckland; and
- Transfund to mitigate the adverse effects of roading stormwater.

Based on population forecasts for the catchments, it is estimated that up to 4,000 lots will be created in the Twin Stream catchment. Thus, stormwater mitigation charges on new development will amount to \$5,000 per lot, plus GST. Industrial and commercial development would pay for stormwater mitigation as a percentage of the impermeable area in the development compared to the catchment area.

There would be some lag between costs being incurred and recovery of cost from developers, thus for budget purposes the following strategy is recommended:

- The work programme would be staged over at least eight years;
- Initially riparian corridor works could be funded by loan;
- The implementation programme would be designed so as to match as closely as possible the rate of development in the catchment and thus minimise cash flow.

As stated above, it is proposed to consult with developers over the issue of development contributions prior to confirmation of the actual charges.

BENEFITS

The proposed programme offers the following benefits:

- lower cost for developers; the present approach requiring full mitigation results in costs of between \$15,000 to \$40,000 per lot. The proposal will result in costs between \$9,000 and \$20,000 per lot, allowing \$5,000 for riparian corridor restoration as well as stormwater mitigation and other site specific measures;
- Resolution of long standing flooding issues;
- Improvements to stream ecology and water quality; and
- Will satisfy the Auckland Regional Council's requirements.

CONCLUSION

Project Twin Streams provides a framework to address long-standing issues in the Oratia and Opanuku Stream Catchments.

The project will be implemented on a staged based to minimise costs, with cost recovery from developers.

Project Twin Streams offers a number of benefits, including:

- Lower cost for developers;
- Potential for external funding;
- Resolution of long standing flooding issues;
- Improvements to stream ecology and water quality;
- Satisfying the Auckland Regional Council's requirements.

The next steps in the work programme are as follows:

- Community consultation;
- Confirming the stormwater mitigation development contributions recommended in this report;
- Application for external funding; and
- Consideration of the works programme in the 2002/03 Annual Budget process.

Regular progress reports will be submitted to the Environmental Management Committee to provide feedback and seek approval as required.

RECOMMENDATIONS

1. That the information be received.
2. That the resolutions pertaining to Project Twin Streams of the Works and Services Committee meeting of 10 September 2001 (2111/2001 and 2112/2001) be also confirmed.
3. That the ten year financial commitment required for the implementation of Project Twin Streams be considered through the draft 2002/2003 Annual Plan process.
4. That the Auckland Regional Council be advised of Council's commitment to Project Twin Streams.
5. That the Environmental Management Committee nominate a spokesperson for the consultation programme.

Report prepared by: Tony Miguel, Acting Business Unit Manager: EcoWater.



10 AVONDALE STREAM CATCHMENT MANAGEMENT PLAN

PURPOSE OF THE REPORT

The purpose of this report is to advise the Environmental Management Committee of the work programme to develop the Avondale Stream Catchment Management Plan and apply for a resource consent for this catchment.

BACKGROUND

A18

The Avondale Stream catchment is a large part of the Whau River catchment and covers an area of 550 hectare, with 30% or 165 hectare of the catchment located in the Blockhouse Bay area of Auckland City. The remaining 70% of the catchment comprises parts of Titirangi and New Lynn in Waitakere City. The Avondale Stream itself runs parallel to Portage Road and discharges to the Whau Creek north of Clarke Street. Attached at page A18 in the Attachments supplement is a plan showing the catchment's boundaries.

In 1997 the Auckland and Waitakere City Councils embarked on a joint initiative called Project Whau, administered through the Avondale and New Lynn Community Boards. The objective of Project Whau is *"To improve and restore the Whau corridor through community participation"*.

Since that time Project Whau has achieved some improvement to the stream and its surrounding ecology through community planting and clean up days. An ecological assessment of the catchment has also been completed which identified the need for additional programmes to improve water quality.

In parallel to this, the two councils have conducted investigations into existing drainage problems in the catchment. These have included flood mitigation studies in Blockhouse Bay and Green Bay Catchments.

In the interests of achieving an integrated solution to the catchment drainage and water quality issues, the Avondale Stream Catchment Management Plan is being developed as a partnership between the Auckland and Waitakere City Councils and Metrowater. The aim of this project is to apply for a comprehensive resource consent for drainage and environmental improvements to the catchment, and in so doing, contribute significantly to Project Whau.

ISSUES

A comprehensive catchment approach is required for this catchment due to the linkage between wastewater, stormwater and land use planning. The Catchment Management Plan will address the following issues:

- Minimisation of the risk of flood damage to inhabitable and uninhabitable floor levels to the most cost effective level;
- Protecting public health through minimising wastewater overflows and pollution from other sources and mechanisms both natural and due to urban development that constitute public health risks, to the most cost effective level;
- Improvement in the environmental quality of the catchment resulting from the full range of pollutants associated with stormwater, predominantly to enhance the community's use of the environment;

- Regular liaison with the Project Whau Steering Committee will be required to ensure that the objectives of the two studies are achieved;
- The Titirangi Golf Course wishes to further investigate water features and irrigation which could provide flood detention ponding;
- Address all the issues of the Regional Urban Stormwater Management Strategy and associated technical report; and
- Take account of the Regional Growth Forum and relevant rules and policies from each council.

WORK PROGRAMME

The work programme is as follows:

- During April and May 2002 there will be specific consultation with iwi, Project Whau and the Titirangi Golf Club, as they are the major stakeholders, to provide input to the preparation of the draft Catchment Management Plan;
- The draft Avondale Stream Catchment Management Plan will be completed by 30 June 2002;
- Subsequently there will be public consultation as required by the Resource Management Act prior to submitting a resource consent application to the Auckland Regional Council.

It is proposed to report back to the Environmental Management Committee once the consultation process has been completed.

CONCLUSION

The work programme to develop the Avondale Stream Catchment Management Plan is on track and will address stormwater issues in this catchment. Specific recommendations in the draft Catchment Management Plan will be reported back to the Environmental Management Committee for its consideration.

RECOMMENDATION

That the information be received.

Report prepared by: Tony Miguel, Acting Business Unit Manager: EcoWater.



11 SHOPPING TROLLEYS IN STREAMS

PURPOSE OF THE REPORT

The purpose of this report is to recommend to the Environmental Management Committee an Action Plan to address the issue of shopping trolleys in streams.

BACKGROUND

The issue of shopping trolleys being dumped in streams was raised by the Henderson Community Board in March 2001. In response, EcoWater Solutions has pursued a number of initiatives to address the issue, including:

- Writing to the managers of supermarkets to highlight the issue and seek their co-operation; this was followed up by a number of meetings whereby the managers undertook to be more proactive;
- Involving the Community Constable and Community Neighbourhood Watch Groups in monitoring programmes;
- Arranging for specific clean ups to remove trolleys; and
- Launching Project Twin Streams to develop a long term plan to address all the issues affecting the Oratia and Opanuku Streams.

However, these initiatives do not address the cause of this problem and there is a need to develop a permanent solution.

STRATEGIC CONTEXT

Addressing the issue contributes to a number of Council's strategic objectives, as shown below:

Objectives	Goal
Urban Villages - Objective 2: Amenity and Heritage	Town centres and neighbourhoods to be attractive and enjoyable places, each with their own identity and valued heritage.
Green Network - Objective 1: Native Ecosystem Improvement	The City's native plants, animals and their ecosystems to be cared for and protected. Stream and coastal areas to be replanted and protected from erosion and natural links and wetlands to be re-established.
Solid Waste - Objective 5: Litter Services and Illegal Dumping	To provide litter services where they are most needed and to minimise littering and illegal dumping.

ISSUES

The dumping of shopping trolleys has a number of adverse effects which are discussed below.

Environmental

Trolleys cause adverse effects on the habitat of aquatic ecosystems in streams, acting as a barrier to the passage of fish and invertebrates by trapping them. As a consequence they are not able to reach breeding grounds and populations are reduced.

Cost

There are significant costs associated with the illegal dumping:

- To the consumer: trolleys cost \$300 to \$400 each and it is estimated that it is costing supermarkets in the City up to \$50,000 per year for the replacement of lost trolleys. In addition, supermarkets employ staff to collect trolleys and these costs are then passed on to consumers.
- To the ratepayer: the cost of removing trolleys from streams is estimated to be up to \$10,000 per year.

Visual

- Dumped trolleys reduce the amenity value of streams.
- Shopping trolleys abandoned on footpaths give an untidy appearance to the City's streets and at times cause a hazard to pedestrians.

OPTIONS AND EVALUATION OF OPTIONS

A number of options can be considered to address this issue and are discussed below.

Control Devices

The most effective option is to persuade supermarkets to install systems to avoid the dumping of trolleys in streams and roadways. Some examples of systems are:

- Coin operated locking devices on shopping trolleys; these are in common use overseas and work by releasing the locking device when a coin the equivalent size of a \$2 coin is inserted to release the trolley.
- Electronic devices that lock trolley wheels at the supermarket car park boundary.

Council has attempted to persuade shopping centre and supermarket managers to install these devices, but this has been resisted on the grounds that they consider they would not be acceptable to customers and thus be detrimental to their businesses. Therefore, for this approach to be effective it will have to be adopted on a national or at least on a regional basis.

One supermarket chain recently announced that it will be conducting a trial with control devices. This trial will be monitored by Council.

The recommended option is for Council to continue to advocate for the installation of these devices.

Bylaws

Council could promote a bylaw whereby shopping centres and supermarkets are responsible for the control of shopping trolleys. Such a bylaw is unlikely to be effective however, and would be resisted by shopping centres and supermarkets. This option is not favoured at this stage, but could be considered later as a permanent solution to the issue.

Existing bylaws cover littering and dumping and Council officers will enforce the bylaws wherever dumping of shopping trolleys is observed.

Communication and Publicity

Another effective option is to provide publicity as to the issues arising from shopping trolleys. It is proposed to run a communication programme with the following focus:

- Specific advertisements in Council's newsletter and local press; and
- Providing information on the issue during Operation Spring Clean, run by Keep Waitakere Beautiful.

CONCLUSION

A permanent solution to the issue of shopping trolleys in streams needs to be developed. Given the current position of shopping centre and supermarket managers, it is recommended that the following Action Plan be implemented:

- Advocacy for shopping trolley control devices and liaising with supermarkets on the wider issues;
- Communication and publicity;
- Enforcement of existing bylaws;
- Monitoring of trials conducted by supermarkets.

This programme will be reviewed by November 2002 to establish if further action is required and whether it is necessary for Council to consider a bylaw requiring shopping centre and supermarket owners to implement control devices for shopping trolleys.

In order to provide an effective advocacy role, it is recommended that the Committee appoint a spokesperson on this issue.

RECOMMENDATIONS

1. That the information be received.
2. That the Action Plan in this report be implemented and be reviewed by November 2002.
3. That a spokesperson be appointed to advocate at regional and national levels for the control of shopping trolleys.

Report prepared by: Tony Miguel, Acting Business Unit Manager: EcoWater Solutions.



12 DOG REGISTRATION FEES - 2002/2003

PURPOSE OF THE REPORT

This report seeks to set the Dog Registration and other associated animal welfare fees for the 2002/2003 registration year, which runs from 1 July to 30 June. It is necessary that a decision on dog fees is made as early as possible in the calendar year to allow sufficient time to implement the registration process and meet statutory timelines.

BACKGROUND

A significant increase in the dog registration fee was implemented in the 1999-2000 financial year (30%). The impact of the increase was that many dog owners were deterred from registering their dogs and an increased labour-intensive process to attempt fee recovery ensued. Despite increased effort and planning, the number of registered dogs decreased from 13,700 to approximately 12,000 in 2000/2001. Numbers have been gradually increasing since then.

The dog registration fee revenue target of \$790,000 is on track for the current year. Registered dog numbers are on track to match the figure of 12,458 for the previous year.

Consideration was given to lowering the set fee in the last two registration years, as Waitakere City dog fees are relatively high, but it was decided to maintain the 1999/2000 year rate until other territorial local authorities' fees reach parity.

Fee setting has previously been subject to the annual budget planning and consultation round, however, due to the impediment that this placed upon timing and financial success, a detailed legal opinion was sought to determine if that was necessary.

A legal opinion concluded that "... the Dog Control Act requires fees for the relevant year to have been set before the Annual Plan process is finalised for that year...a local authority's only obligation would be to take into account submissions received on the Annual Plan in setting the dog registration fees for the following year".

Therefore, the setting of dog registration fees has been forwarded to the Environmental Management Committee for consideration and recommendation to Council.

STRATEGIC CONTEXT

Council's objectives are to achieve responsible dog ownership, recognising the rights of the community at large and also those of dog owners and their families. Key elements to this are:

- (a) To ensure registration of all known dogs in the City.
- (b) To ensure the detection and registration of as many unregistered dogs as possible within the City.
- (c) To continue issuing infringement notices and pursuing legal action against owners of unregistered dogs.
- (d) To keep fees to an acceptable level by ensuring that as many people as is practical register their dogs, so that the fee is shared over the majority of dog owners and not just by those who register.
- (e) To strike a fee which is of an acceptable level to dog owners generally, yet which allows Council to provide an efficient and cost effective service to the public.
- (f) To set fees in line with Council's Draft Annual Budget and Council's Animal Control and Welfare Funding Policy.

Council's Animal Control and Welfare Funding Policy states that:

- Dog owners will fund the dog registration system and associated needs.
- Costs of impounding will be recovered from the animal owner through impounding fees and fines. When those costs cannot be fully recovered from the exacerbating animal owner, they will be funded by rates.
- The costs of complaints will be funded from dog registration fees and rates. The proportion of complaints costs met from dog registration fees will be approximately equal to the proportion of complaints related to registered dogs.

LEGISLATIVE REQUIREMENTS AND FEE SETTING

Council is required, under Section 37 of the Dog Control Act 1996, to set fees for the registration and control of dogs. Under the Act, Council may fix lower fees for:

- (a) Neutered dogs;
- (b) Working dogs and various classes of working dogs;
- (c) Dogs under the age of 12 months;
- (d) Dogs where the owner demonstrates to the satisfaction of Council's Dog Control Officer, that he or she has a specified level of competency in terms of responsible dog ownership.

Council may also fix a penalty fee for late registration (beginning not earlier than 2 August 2002) and a fee for replacement tags. Pursuant to Section 39 of the Dog Control Act 1996, Council may also remit, reduce or refund the fee where it is satisfied that there are special circumstances for doing so.

Any submissions requesting amendments to the dog fees and services would be referred to the next year's Annual Plan process.

CURRENT SITUATION

There is an awareness throughout the Auckland region that fees are close to the upper threshold level of sustainability. Following the 30% fee increase in the 1999/2000 dog registration year there was significant resistance to pay by some dog owners within Waitakere City, being either unwilling or unable to finance their statutory obligation.

This indicates that any increase in fees could be detrimental to the dog registration revenue stream, and also to dog control activities, which are reliant upon registration records to impose good dog control. In contrast, reducing the fee would be unlikely to suddenly attract the recidivists of the last three registration years.

Current fees are as follows:

DOG REGISTRATION & ASSOCIATED FEES 2001-2002			
REGISTRATION FEES		Fee for Late Registration after 1/8/01 (GST incl)	Fee if Paid On or Before 1/8/01 (GST incl)
1.	Entire Dog (not castrated) and Entire Bitch (not spayed)	\$141	\$94
2.	Neutered Dog (castrated male and spayed female)	\$102	\$68
3.	Dog Owner Licence Holder with Un-neutered Dog	\$82.50	\$55
4.	Dog Owner Licence Holder with Neutered Dog Superannuitants	\$72	\$48
5.	Seeing Eye and Hearing Ear Dogs	\$4.50	\$3
OTHER FEES		Fee	
Replacement Registration Tags		\$3	
<u>Impoundings:</u>			
First		\$65	
Second		\$130	
Third		\$195	
Subsequent		\$260	
Sustenance Fee (day or part thereof)		\$15	
<u>Adoptions:</u>			
Adoption Fee		\$45	
Adoption Registration Fee (for SPCA adoptions into Waitakere City and Waitakere Animal Welfare Services adoptions)		\$20	

Table 1: Schedule of Dog Registration Fees

Dog owners have the option to sit and pass the "Standard New Zealand Dog Owner Licence Test" which significantly reduces the fee. This information is circulated to all dog owners when the fees are due. If the Dog Owner Licence test is passed and the registration fee paid on time, the cost is \$48; failure to achieve both will incur the maximum fee of \$141 per dog.

PROPOSED FUNDING

Council is also required under Section 37(6) of the Dog Control Act 1996 to publicly notify during the month preceding the start of every registration year the dog registration fees to be fixed for the forthcoming registration year (ie. June 2001).

The dog registration fees are to cover the statutory functions of dog control as required by the Act, and not for general animal welfare.

The forecast cost of Animal Welfare Services for the 2002/2003 Annual Plan year is \$1,961,487. It is anticipated that the recovery through fees will be 46% of this total (or \$903,450). The ratepayer contribution to fund the public good elements of the service is \$571,537.

CITY	PERCENT RATES FUNDED
Waitakere	49% (excluding the North Shore City contract)
Auckland	50% (contracted service)
Manukau	40% (in-house operation)
Hamilton	40% (in-house operation)
Rotorua	50% (in-house operation)

Table 2: Comparison of Rates Funding Percentages

It is proposed to retain the current registration and associated fees structure which rewards responsible ownership.

CATEGORY RATIONALE

A range of discounts on the dog registration fee currently exist for neutering, dog owner responsibility, superannuitants, and seeing eye/hearing ear dogs, and it is recommended that these continue. The rationale for these discounts are:

- a. **Neutering**
Encouraging people to neuter their dogs is an important function of Animal Welfare Services, as an un-neutered dog is a potential breeder and contributor to the excessive unwanted dog population. In addition, neutered dogs are generally more manageable and, therefore, contribute less to dog control problems. Discounts for neutered dogs are a proven incentive for people to neuter their dogs. To this end, it appears worthwhile to continue discounts for neutered animals.
- b. **Responsibility**
Recognition of responsible dog ownership serves as an acknowledgement of responsible behaviour and encourages continued registration of the dog. Discounts for Dog Owner Licence Education are currently offered. It is proposed that the discount for sitting and passing the Dog Owner Education Licence Test be maintained and so serve the purposes of promoting dog owners to learn more about their responsibilities. It is also proposed that superannuitants be generally classified in the responsible dog owner category and remain in a reduced fee category because of this groups insignificant incident rate in dog control problems.
- c. **Special Use Dogs**
The owners of special use dogs (Seeing Eye and Hearing Ear Dogs) might be considered deserving of a reduced fee because their dogs are used through necessity rather than luxury. Seeing Eye and Hearing Ear dogs are instrumental in assisting a small minority of people who suffer from disabilities and it is proposed that the reduction for these dogs be maintained.

WORKING DOGS

Self employed working dog owners, such as security guards, are able to obtain a tax rebate on the costs associated with the dog, so it is proposed to not offer a discount for security dogs, pest destruction dogs or herding dogs. Additionally, it is considered that there need be no special discount category for Government Department owned dogs.

COMMUNITY CARD HOLDERS

The idea of Community Card Holders receiving a reduced fee has been investigated. Statistics provided by the "National Community Services Card Centre" do not isolate the Waitakere community card holders separately which means an accurate budgeting of projected revenue (loss) from having a reduced fee for community card holders is not possible. In addition, even an estimate of community card holder numbers in Waitakere City would be fraught as there would still be no way of identifying how many in the estimate owned dogs. Holders of community cards are still able to gain a reduced fee by sitting the dog owner license test and de-sexing their dogs. It therefore appears more practical to retain the status quo in relation to community card holders and offer no special discount other than reductions applicable to responsibility levels which are available to all dog owners.

ADOPTIONS

It is recommended that Council's adoption fee policy continue as it enables unclaimed dogs to be moved out alive, thus providing:

- (a) Good customer service;
- (b) A dollar return;
- (c) More adoptions;
- (d) De-sexing;
- (e) Owner accountability.

IMPOUNDINGS

It is recommended that Council's impounding fee policy continue, with the conditions that in every case of impounding:

- A sustenance fee of \$15.00 per day or part day thereof shall apply (each day is defined as being from midnight to the following midnight).
- If the dog is unregistered it must be registered prior to its release in addition to any impounding or sustenance fees.
- For release of dogs on the first impounding, the owner will be issued with a dog owner manual and encouraged to sit the Dog Owner Education Licence test.

CONCLUSION

The fees are generally structured towards rewarding responsible dog ownership. Maintaining the fees at the current level for 2002/2003 follows through on the thirty per cent increase for the three previous registration years. Dog owners always have the option of lowering the fee payable by sitting the Dog Owner Licence test.

RECOMMENDATIONS

1. That the information be received.
2. That the current Funding Policy for Animal Welfare Services be confirmed as the basis for the setting of the 2002/2003 dog registration and associated fees, as follows:

DOG REGISTRATION & ASSOCIATED FEES 2002-2003			
REGISTRATION FEES		Fee for Late Registration after 1/8/02 (GST incl)	Fee if Paid On or Before 1/8/02 (GST incl)
1.	Entire Dog (not castrated) and Entire Bitch (not spayed)	\$141	\$94
2.	Neutered Dog (castrated male and spayed female)	\$102	\$68
3.	Dog Owner Licence Holder with un-neutered dog	\$82.50	\$55
4.	Dog Owner Licence Holder with neutered dog Superannuitants	\$72	\$48
5.	Seeing Eye and Hearing Ear Dogs	\$4.50	\$3
OTHER FEES		Fee	
Replacement Registration Tags		\$3	
<u>Impoundings:</u>			
First		\$65	
Second		\$130	
Third		\$195	
Subsequent		\$260	
Sustenance Fee (day or part thereof)		\$15	
<u>Adoptions:</u>			
Adoption Fee		\$45	
Adoption Registration Fee (for SPCA adoptions into Waitakere City and Waitakere Animal Welfare Services adoptions)		\$20	

3. That it be recommended to Council that all dog owners who book to sit the Dog Owner Licence test prior to the penalty date of 1 August 2002 pay the reduced fee within a week of passing the test; or pay the fee which they would have otherwise paid within a week of failing the test, otherwise the late fee applies to whatever category each dog falls into.
4. That it be recommended to Council that for all newly acquired dogs (providing the owners have not been served an infringement notice), a reduced pro-rata fee based on the months of the year be applicable.

5. That it be recommended to Council that where an adult dog is impounded and unregistered, or for which the owner is served an infringement notice, the full registration fee including the penalty be applied.
6. That the dog registration fees adopted for the 2002/2003 financial year be publicly notified in accordance with Section 37(6) of the Dog Control Act 1996.

Report prepared by: Tom Didovich, Manager: Animal Welfare Services.



13 STATE HIGHWAY 18 UPDATE

PURPOSE OF THE REPORT

The purpose of the report is to:

- Update the Environmental Management Committee on the development of State Highway 16 and State Highway 18.
- Seek support to formalise a process for resolving issues between Transit New Zealand and Waitakere City Council.
- Seek confirmation of Council's commitment to pursuing a motorway interchange at the Hobsonville Peninsula.

A brief review of issues is provided and these will be expanded on at the Committee meeting.

BACKGROUND

Transit New Zealand is currently working through significant proposals to extend the motorway network within and adjacent to Waitakere City. Transit New Zealand intends to extend State Highway 16 from its current end point at Massey North/Westgate through to the intersection of Brighams Creek Road and the existing State Highway 16 near Kumeu. This will reduce the distance between Kumeu and Massey North/Westgate and provide safety benefits. Transit New Zealand also intends to add lanes to the motorway between the Waterview onramps and Massey North/Westgate.

Transit New Zealand intends to build a new motorway, State Highway 18, between Constellation Drive and Massey North/Westgate. This will be approximately 400m to 1000m to the north of the existing Hobsonville Road.

Council staff are working with Transit New Zealand and their consultants, Opus International Consultants Limited on these two projects to promote integration of the local and regional road networks and to support a range of other land use, infrastructure, parks, and environmental goals.

An Iwi blessing ceremony was held on the North Shore City side on 15 February 2002 prior to the start of the Ashby Fill Enabling Contract. This contract is on the Greenhithe section and comprises the foundation preparation for the largest fill on the project.

The earliest date for construction on the Waitakere City side will be in September 2003. This will be dependent largely on whether planning proceeds smoothly (ie. appeals on the resource consents can be resolved) and land purchase.

STRATEGIC CONTEXT

The development of State Highway 18 is important to Waitakere City. It will provide better access for the city's residents to North Shore City, and an alternative route to the south of the region. It will also enhance development opportunities at Massey North/Westgate and the Hobsonville Peninsula, as well as increase pressure to develop these areas.

The State Highway 18 project is part of a region-wide plan to provide an alternative to State Highway 1 for travel to the north and south of the region. It is intended to eventually provide a motorway link from Albany to Manukau City via Massey North/Westgate and the Hillsborough areas (State Highway 20).

Council has undertaken concept planning work for the Hobsonville Peninsula and plans to undertake work on the Massey North/Westgate and Hobsonville corridor area this year. Massey North/Westgate is intended to become one of the three major centres in the City, along with Henderson and New Lynn.

ISSUES

There are a number of outstanding issues with Transit New Zealand's State Highway 16 and 18 proposals that Council officers are working through with Transit New Zealand staff and Opus International Consultants Limited. The intention is to deliver a coherent package of investment that supports Council's development goals as well as meeting Transit New Zealand's goals. Key issues that are being worked through by Council officers and Transit New Zealand staff are:

- **Hobsonville/Brighams Creek Area Road Development** - Council officers are working with Transit New Zealand staff to put together a comprehensive package of road development options that facilitate local development as well as meeting the needs for state highway travel. Transit New Zealand staff are considering a number of changes to their original proposals for dealing with Brighams Creek Road, Sinton Road and Ockleston Road. Council staff have sought the addition of an interchange directly onto the Hobsonville Peninsula following the Hobsonville workshop in March 2001.
- **Hobsonville Interchange/Buckley Avenue** - As part of the planning work for the Hobsonville Peninsula Council officers identified the need to have a motorway interchange leading directly from the motorway to the Peninsula (the Hobsonville Interchange). This will enhance the development of the Peninsula and promote business and other development in the Hobsonville area. This item is considered critical by staff and is yet to be resolved with Transit New Zealand.

The proposal is to have a 'half diamond' interchange adjacent to the Peninsula allowing direct access to and from the North Shore City plus another 'half diamond' interchange at Brighams Creek Road allowing access to and from the west. Without the through traffic this option provides development on the Hobsonville Peninsula would be slowed. The proposal also enables Transit New Zealand to provide similar access to that currently provided by Hobsonville Road to North Shore City for the Hobsonville area, a requirement of the Transit New Zealand Act.

Transit New Zealand has developed the geometry for the interchange and agreed to model the transport implications of this option. Once that information is available, and if the option still appears reasonable, discussions will have to be held over the funding of the interchange. Given the importance of this option the Committee is asked to confirm its support for the interchange.

- **Brighams Creek** - Transit New Zealand has proposed a 'full diamond' interchange at Brigham Creek Road for State Highway 18. This is the alternative to the two 'half diamonds' favoured by Council staff, outlined above. The motorway at Brighams Creek was approved in the consent process with a bridge over Brighams Creek Road. Since that time the position for the bridge has been moved westwards by about 300 metres to avoid an expensive telecom cable and the costs involved in road/interchange elevation to avoid the cable (if the cable is broken it could cost several million dollars a day). Council officers are not necessarily against the changes but want this interchange developed as part of a comprehensive package including the Hobsonville Interchange.
- **Sinton Road** - An underpass was proposed in the consent process to State Highway 18 in November 2001. Opus International Consultants Limited approached Council officers to do away with this underpass, and provide an alternative roading connection to the new Brighams Creek interchange via a paper road. The deletion of the proposed Sinton Road Bridge would significantly reduce Transit New Zealand's costs but add two kilometres to the trip of residents each time they want to cross State Highway 18 to go to Hobsonville or further east. Officers support this option being further investigated but want to resolve it as part of the total roading package for the area.
- **Ockleston Road** - Council officers wanted a footbridge over State Highway 18 at Ockleston Road and this was promoted at the designation hearing. In the end this was forfeited because of the Sinton Road Bridge underpass, as it would have provided the link across State Highway 18. Again the total roading package may affect the importance of this pedestrian crossing. If Sinton Road underpass is not provided some provision should be made for cyclists and pedestrians at Ockleston Road.
- **Upper Harbour Bridge/Causeway** - Transit New Zealand has only made provision for a 2.6 metre wide walk/cycleway over the new upper harbour bridge. This will be on the northern side of the bridge. This width is not considered adequate to provide for pedestrian and cycle use. Council has supported North Shore City Council in its appeal to the Environmental Court requesting four metres plus for this facility. A verbal offer has been obtained from Transit New Zealand to provide a 3.6 metre causeway on the bridge. Officers are continuing to negotiate on this matter and believe this width is workable because of the contingency of providing for pedestrians separately on the existing bridge, an option that Transit New Zealand has also reacted favourably to.

Associated with this appeal over the width of pedestrian/cycle access over the upper harbour bridge, officers have prepared a plan for the possible implementation of a cycleway from the bridge to Massey North/Westgate, mainly alongside the new State Highway 18.

- **Trigg Road Interchange and Massey North/Westgate Local Roads** - Transit New Zealand has proposed that an interchange is to be built at Trigg Road. Council officers support this and have had a report completed for the local road connections to the north side of this interchange. The report covers possible local road connections between Trigg Road and the existing State Highway 16 route to Kumeu, including a Fern Hill Road extension northwards from Westgate. Officers have begun referring to this proposed route from Trigg Road as Northside Drive. Council officers would like the implementation of the Trigg Road interchange with State Highway 18 to be completed in the first construction phase. The local road proposal will be reviewed further at the Committee meeting.

- **North Facing Ramps SH16** - The proposed Westgate interchange does not provide for Massey North/Westgate north facing on and off ramps. Transit New Zealand considered that traffic between Massey North/Westgate and the north would be catered for by the existing State Highway 16. Council has completed preliminary plans for the provision of north facing ramps on Northside Drive. This would offer direct access to Westgate and complete a connection between State Highway 16 and State Highway 18 via Northside Drive and the east facing ramps at Trigg Road. Council officers suggest that the earthworks be completed for the sections of the ramp within the designation during the construction phase. Analysis to date has shown that this infrastructure will not be cost beneficial in the short term. However, these corridors should be protected by designation.
- **Kedgley Drive** - Currently a private access road exists from the end of State Highway 16 at Massey North/Westgate into private properties to the north of Hobsonville Road. Transit New Zealand has to replace this access and is negotiating to buy land to re-form Kedgley Drive from opposite the eastern most access to Westgate to an agreed plan developed by Council in consultation with Transit New Zealand and property owners. If Transit New Zealand land purchase negotiations prove too difficult they may opt to re-form Kedgley Drive within part of their existing designation. Council officers would not support this. This matter is yet to be resolved. Council's proposal caters for the future expansion of Massey North/Westgate across Hobsonville Road and would make use of the reformed Kedgley Drive.
- **Bus Lane** - Council officers are eager to obtain a 3.5 metre wide shoulder on State Highway 18 to be used at a later stage as a bus lane. Transit New Zealand plans did allow for this. The proposed cross-section for State Highway 18 allows for future reconfiguration for the provision of a bus/high occupancy vehicle lane. Council officers consider that this should be implemented as soon as justified by traffic conditions and bus frequencies. Despite the fact that it is not expected to be required initially blockages may occur because State Highway 16 is not proposed to be widened between Massey North/Westgate and Avondale for some years following.
- **Parks** - Council aims to ensure that the high quality parks and access to parks are retained within the Hobsonville area. Compensation for Hobsonville Domain and Duke Park is currently being negotiated with Transit New Zealand. This compensation may involve equivalent land purchase or value.
- **Heritage** - To manage Sinton House removal and Clark Lane protection. This will involve removal of Sinton House, reuse of material (possible art works) and possible display. Staff are also involved in negotiations to arrange shifting of Clarks Lane cottages to other sites on the same lane to protect heritage context. One of the tasks ahead will be to establish a Trust to manage the funding Transit New Zealand is contributing as heritage 'mitigation'. This will involve working with key heritage groups on historic sites in the area such as Clarke House and the Landing. Ockelston House also requires relocation to another appropriate site. At this stage sites which retain some connection to the original site and which therefore protect heritage value are being investigated.
- **Visual/Art** - Opportunities are being sought to utilise the motorway as an aesthetic entryway into Waitakere City. Earth use, noise mitigation measures, and retaining walls, developed using site-specific art and design principles are being investigated. This would be an extension of the work the city is already doing in the area of arts/design or integrated art. It opens the potential to take some of the inevitable visual components of the motorway (acoustic barriers, concrete walls, cycleway fences, etc) and translate them into attractive, but not distracting, visual amenities. There is also the possibility of creating a significant entry statement at the city boundary with North Shore City, to integrate a series of arts/environmental projects around the Totara Stream wetland where pedestrian access is desirable and to use rubble from the Sinton House demolition to create an arts/heritage installation.

These arts projects are predicated on continuing dialogue with Transit New Zealand and an eventual agreement on how to achieve implementation. Funding and cost sharing is a key issue. Work is progressing on both defining the achievable projects and scoping potential funders. It is planned that arts projects would be managed by Waitakere City staff in a parallel process with the motorway construction contractors. There are process issues associated with getting status and sign-off for these proposals. The establishment of a Councillor led working party to promote the arts projects would assist their achievement.

- **Communications Cable** - Some work was undertaken to investigate the provision of ducts for telecommunication and similar cables/services. This has been dropped due to lack of interest from Telecom and Clear Communications, as they believe they have sufficient infrastructure in the north of the City to cater for future growth.
- **Services - Water/Wastewater/Stormwater** - To ensure services for water wastewater and stormwater are adequate to meet future needs, Council officers have been working with Transit New Zealand to agree on all the services which will require relocating. Council officers are endeavouring to ensure that the total costs of these relocations are met by Transit New Zealand. However, it is yet to be confirmed in writing by Transit New Zealand that they will meet all the relocation costs.
- **Stormwater Capacity** - Capacity of culverts under the proposed motorway to allow for future growth is one of the critical stormwater issues. Council has submitted on this issue to the Auckland Regional Council as part of Transit New Zealand's resource consent process, however it is unclear from the Auckland Regional Council decision whether this issue has been resolved satisfactorily to meet Council's needs.
- **Stormwater Quality Treatment** - Council officers have discussed the level of stormwater treatment proposed by Transit New Zealand for the Motorway and made submissions to the Auckland Regional Council as part of Transit New Zealand resource consent that the level of treatment proposed was too low to mitigate adverse effects in the receiving environment.

The consequences for Council of this could be that Auckland Regional Council refuses consents for the two Comprehensive Stormwater Consents in the same area presently before the Auckland Regional Council. The Auckland Regional Council would base their refusal on arguing that all the available contaminant load into the upper harbour had been taken up by the State Highway 16/18 project. If these comprehensive consents were refused consent then the development of the Hobsonville Corridor could not proceed.

Joint Quality Ponds - Council officers have discussed the possibility of joint water quality ponds to serve the motorway and the proposed living environment land in the Hobsonville Corridor. This issue will need final resolution once the Auckland Regional Council consents are finalised.

- **Ecology** - Restoration of the Totara Creek riparian margins, re-habilitation of the Totara wetlands and fish passage for culverts.
- **WaterCare Services Limited** - Transit New Zealand need to move a major WaterCare Pumping Station - 2000m² of land is required for the resiting. The new pumping station will be resited to the west of the existing location adjacent to the Westgate Centre.

- **Massey North/Westgate Town Centre Development** - To ensure that the new motorway aligns with the development of the Massey North/Westgate town centre. One lane off ramp from the existing State Highway 16 (motorway) to Massey North/Westgate (Hobsonville Road) is to be provided and one lane on ramp from Hobsonville Road on to State Highway 16. East facing on and off ramps to State Highway 18 are also to be provided at the Massey North/ Westgate Interchange.
- **Hobsonville Road - Future Development** - The future development of Hobsonville Road will be affected by the type of development and land use along the corridor. Transit New Zealand is likely to want to focus development on vehicle throughput. Council has a broader focus for this area, with objectives based on increasing the amount of working environment land and promoting sustainable development. At present Transit New Zealand wishes to retain ownership of Hobsonville Road as a State Highway. The future control of Hobsonville Road has been raised at the City Development Committee at its March meeting.
- **Auckland Regional Council Resource Consent Application** - Transit New Zealand has lodged consent applications with the Auckland Regional Council and a hearing was held on January 21, 2002. The Council has been advised of the Auckland Regional Council decision and officers are at present analysing the decision. Advice will be provided to the Council on its legal position and whether or not to appeal the Auckland Regional Council decision to the Environment Court. The closing date for submissions is 14 March 2002. A separate report will be provided to the Committee on this issue.

Process for Resolving Issues

Council officers have been meeting regularly with Transit New Zealand staff and their consultants to address the issues outlined in this report. Officers have also represented this Council at the Auckland Regional Council consent hearings. Transit New Zealand has asked that all outstanding issues be resolved within the next three to four months if possible. After that Transit New Zealand will begin to prepare tender documents for a design and construct proposal from contractors.

Transit New Zealand's intention to use a design and construct process to build the motorways raises some practical issues for Council. Once the design and construct tender has been let the contractor will not necessarily want to alter their design (the design and build process gives the contractor the ability to alter the "sample design") and Council will have difficulty accessing them, as we will have to go through Transit New Zealand. In effect we will be 'twice removed' from the construction.

It is proposed that a formal process be put in place to resolve issues with Transit New Zealand and to enable Council to interact with Transit New Zealand's contractors. This is viewed as important in order to facilitate a successful relationship with Transit New Zealand and avoid the use of statutory processes. A draft document outlining processes for settling disagreements over the planning and construction of the highways and associated facilities has been prepared. A response on this has not been received from Transit New Zealand as yet. It is proposed that this draft agreement be brought back to the Committee for its consideration once Transit New Zealand's initial response to the idea has been received. Manukau City Council has found agreements of this type helpful in working with Transit New Zealand in the past. Transit New Zealand are themselves wanting to find ways to ensure a successful and positive relationship with Council is maintained throughout all stages of this project.

It is also suggested that a working party led by Councillors be established to work through issues associated with delivering the arts elements of this project. That working party should include the Chair of this Committee as this Committee is leading Council's position on the overall project.

RESOURCES

Council officers have budgeted for most of the various elements of work associated with this project. There has been some reallocation of budget to enable extra work on the cycling and local road elements of the project.

It will be necessary to reallocate further budget to pay for the development of the issues resolution agreement with Transit New Zealand. This is expected to cost \$10,000 and can be found within existing unit budgets.

CONCLUSION

Work is progressing on the planning of State Highways 16 and 18. These are important projects for the development of the city. There are a number of issues still to be resolved with Transit New Zealand and it is suggested that a formal process be established for doing this. The Committee is asked to support further work on the development of an agreement with Transit New Zealand.

The most important issue yet to be resolved in this project is the establishment of access to the Hobsonville Peninsula. The Committee is asked to confirm its support for the establishment of an interchange from the motorway directly onto the Hobsonville Peninsula, the Hobsonville Interchange.

RECOMMENDATIONS

1. That the information be received.
2. That the Environmental Management Committee confirms its desire to have an interchange from the motorway directly onto the Hobsonville Peninsula.
3. That the Environmental Management Committee endorse further work on the preparation of an agreement to resolve issues in the planning and construction of State Highways 16 and 18 and associated works, and that a draft of this agreement be reported back to the Committee.
4. That a working party led by Councillors be established to assist achievement of the arts elements of this project.
5. That the report be forwarded to the Massey Community Board for their information.

Report prepared by: Jeff Murray, Manager: Transport Projects.



14 **PROGRESS REPORT ON STRATEGIC PLANNING FOR THE HAURAKI GULF MARINE PARK**

PURPOSE OF THE REPORT

The purpose of this report is to update the Environmental Management Committee with the strategic planning that the Hauraki Gulf Forum is undertaking.

BACKGROUND

The Hauraki Gulf Marine Park Act came into force in February 2000. The Park encompasses the Hauraki Gulf, Waitemata Harbour, Firth of Thames and the east coast of the Coromandel Peninsula. The Hauraki Gulf Forum, comprising representatives from all the statutory bodies surrounding the Park, integrates the management of the Park across the boundaries of statutes and districts, through co-operation and better communication. Councillor Denise Yates and Councillor Gary Russell, as alternate, represent Waitakere City Council on the Forum. The Forum was chaired by the late Phil Warren and is now chaired by Lally Haddon.

A19-A22

One of the tasks of the Forum is to prepare a strategic plan for the Park. A Strategic Issues workshop was held at the New Zealand National Maritime Museum on 18 December last year to debate and prioritise issues surrounding the Gulf as a starting point of the plan. Adrienne Young Cooper of Hill Young Cooper Limited facilitated the workshop, and the outcome was reported to the Forum at its 20 February 2002 meeting. The executive summary is attached at pages A19 to A22 in the Attachments supplement and the full report together with a Department of Conservation fact sheet on the Hauraki Gulf Marine Park has been circulated to members separately.

The workshop report is not the final strategic issues document, as this requires reworking by the technical group to identify clear issues and their priority to establish action plans to address the issues.

STRATEGIC CONTEXT

The role of the Hauraki Gulf Forum is to integrate the administration and management of the Park across statutory bodies responsible for different areas of interest. The Strategic Plan for the Park should provide a vision and perform an advocacy and co-ordinating function, but cannot be a statutory document. The Council must be satisfied that the final document will adequately address key issues facing the Hauraki Gulf and reflect the vision and direction consistent with the constituent parties' combined aspirations for the Gulf.

ISSUES

Key issues arising from the workshop were broken down into "internal" issues or process, and "external" issues such as water quality.

Internal issues included the following:

- Information exchange and communication between agencies.
- The "need to act".
- Co-ordination of financial planning between parties.
- Tangata whenua empowered to participate fully.
- Identity for the Park and the Forum.
- Protocols and compatibility between parties.

External issues included the following:

- Water quality.
- Beach pollution.
- Balancing competing demands.
- Ability to enjoy the Park.
- Biodiversity.
- Biosecurity.
- Need for increased knowledge of ecological systems.
- Lack of use made of iwi management plans.
- Over fishing.
- Coastal protection/hazards.
- Education of natural, cultural and tangata whenua values.

Once the issues have been clarified, prioritised and draft action plans developed by the technical group, a further report will be presented to the Forum (including this Council's representatives) for their consideration.

RESOURCES

The strategic planning exercise for the Hauraki Gulf Marine Park will potentially highlight areas of common interest that require research before appropriate action plans can be determined. One such study already mooted is the shellfish depletion investigation, which still awaits funding. Other studies will be needed over a time and an appropriate level of funding for this work as a joint venture by constituent parties is required to be set aside in the Annual Plan. A formula for apportioning costs of such studies has been agreed by the Forum at its February 2002 meeting and the technical group has confirmed the range of future projects and their likely costs. At this stage, funding at the appropriate level has been provided for in the 2002/2003 annual plan process.

CONCLUSION

The Forum is making progress on strategic planning for the Hauraki Gulf Marine Park, and the Environmental Management Committee will be kept up to date.

RECOMMENDATION

That the information be received.

Report prepared by: Carol Bergquist, Senior Analyst Environmental Policy.



15 CLIMATE PROTECTION PROGRAMME

PURPOSE OF THE REPORT

The purpose of this report is to outline the different options available to Council in establishing a formal climate protection programme and to recommend a programme to adopt.

BACKGROUND

On 19 December 2001 Council resolved that:

“Staff investigate the establishment of the Cities for Climate Protection programme within Waitakere City and report to the Environmental Management Committee on its potential adoption.”

2957/2001

Discussions have been held with Local Government New Zealand and the International Council for Local Environmental Initiatives to establish the various options available to this Council in beginning a formal climate protection programme, including the Cities for Climate Protection programme.

A report has also been commissioned reviewing Council's involvement in programmes and actions relevant to climate change in previous years. As reported to the Environmental Management Committee in February 2002, that report found that Council was already to the fore of local government involvement in climate change. It said that if Council were to increase its involvement in this area of work a programme that provided better analysis and monitoring of actions would be an important step.

STRATEGIC CONTEXT

Climate protection is an integral part of the EcoCity philosophy and is acknowledged internationally as a priority, especially by those cities committed to Agenda 21. It can be expected that the New Zealand government will ratify the Kyoto protocol and therefore commit New Zealand to greenhouse gas emission reductions later this year.

Waitakere City has long taken a leadership role nationally on sustainability issues. Becoming the first Council in New Zealand to establish a formal climate protection programme would further this leadership role.

A LOCAL CLIMATE PROTECTION PROGRAMME

Three options for a local climate protection programme at Waitakere have been investigated. All three would involve establishing a city-wide (including the entire community) greenhouse gas emissions inventory to establish robust baseline data. Once the data is collected the next step will be to determine where the best opportunities for greenhouse gas emission reductions are. Then initiatives to reduce those emissions can be put in place. After such initiatives have been implemented the next step will be to again measure greenhouse gas emissions to estimate reductions.

It is expected that there will be some problems in accessing some of the desirable data and it is likely that the inventory will not be absolutely complete or that data will have to be extrapolated from national data where no local figures are available.

Council would need to work with the Energy Efficiency and Conservation Authority to gather a lot of the necessary data. Waitakere City Council already has a good relationship with Energy Efficiency and Conservation Authority through the Energy Wise Councils Programme and this would be easy to build on under any option.

1. **The Cities for Climate Protection Programme - Waitakere as a Pilot**

A23-A24

The Cities for Climate Protection programme has been running successfully for a number of years and is well established in Australia. Ninety-two Australian Councils participate in the programme and internationally the programme has over 370 member Councils. If Waitakere were to join the programme it would be the first New Zealand Council to do so, however there would be a wealth of international knowledge and expertise to draw on. The programme is based on five milestones (steps) and more detailed information is attached at pages A23 to A24 in the Attachments supplement and can be viewed on www.iclei.org/ccp-au. The programme focuses heavily on measuring existing greenhouse gas emissions in the city to establish sound baseline data and to set priorities for initiatives that will result in the reduction of greenhouse gas emissions. It can be expected that there will be some difficulty in adapting the Australian version of the data set to the New Zealand situation, however staff are confident that this is achievable. The programme would be supported from the International Council for Local Environmental Initiatives offices in Melbourne, Australia. International Council for Local Environmental Initiatives staff are keen for Waitakere to establish itself as a pilot project for the programme in New Zealand and will fully support us.

2. **Cities for Climate Protection Programme - New Zealand Wide**

A local New Zealand programme is being discussed by Local Government New Zealand in co-operation with International Council for Local Environmental Initiatives, the Energy Efficiency and Conservation Authority and the Department of the Prime Minister and Cabinet. This programme would use six New Zealand Councils as pilot projects to establish a local version of Cities for Climate Protection, co-ordinated and supported by Energy Efficiency and Conservation Authority. It is envisaged that Waitakere City would be one of the initial six Councils. There are still uncertainties about whether the programme will go ahead and if it does, what its relationship with the Cities for Climate Protection programme would be and when it might begin. However it would be a considerable advantage to be part of a group of Councils to share experiences with and to have access to local co-ordination by Energy Efficiency and Conservation Authority.

This programme would not be established until next financial year at the earliest.

3. **Develop a Stand-Alone Waitakere Programme**

As reported in February 2002, Waitakere City Council already undertakes a number of activities that have climate protection as a co-benefit, but that were initiated for other reasons. This third option would see Council build on these initiatives without being part of a wider programme. As part of this an inventory could be established using our own methodology. Christchurch City Council has developed its own inventory and Waitakere could build on their experience. Under this option Waitakere City Council could still decide to join a more formal programme at a later date.

The disadvantage of this option would be that it is in effect "reinventing the wheel". It would not be any cheaper than the other two options and may be more expensive in that we would not be drawing on the expertise of others. Working in isolation would also result in less scrutiny of our inventory and results.

A local Cities for Climate Protection programme, using Waitakere as a pilot project (option 1), would be able to be adapted into a New Zealand wide programme (option 2) once this becomes established.

RESOURCES

Staff resources are available to implement any of the outlined options.

The project budget for the current financial year of up to \$20,000 can be redirected from an existing budget. This budget was set aside for ferry service development at West Harbour, but is now no longer needed. Exact costings of the three options are not yet available, but Christchurch City Council has indicated that setting up an inventory has cost them \$ 10,000 initially and has an ongoing cost of approximately \$7,500 per year. Further costs would be associated with implementing programmes mandated by Council once the inventory has been established and analysed.

There is \$50,000 project budget proposed for the 2002/2003 financial year. Any of the three options could be implemented within this budget. The exact programme costs would depend on decisions made by Council once the inventory has been established and analysed.

Adopting the first option would involve bringing International Council for Local Environmental Initiatives staff to Waitakere to help establish the programme. This would cost about \$4,000. It is not clear at this time whether there would be any cost savings from waiting to see if we could join a wider national programme as per option two.

It is expected that Council could establish an inventory of greenhouse gas emissions this financial year for less than \$20,000. Ongoing costs would be dependant upon the size of any actions Council subsequently sought to implement.

CONCLUSION

Council has the opportunity to step up its involvement in work to reduce greenhouse gas emissions generated within the city. Three options are available to do this. Two of these options involve working with the Cities for Climate Protection programme. The first option can be rolled into the second option if the second one in fact eventuates. It would be very valuable to Council if we adopt an option that is integrated with the Cities for Climate Protection programme to allow for international networking and information exchange.

Staff favour implementing Option 1 to start a formal programme in this financial year, but to join the New Zealand wide Cities for Climate Protection programme if this is established. This would see Waitakere join a formal, well-established programme straight away while ensuring that we take advantage of a national programme if it happens. In the long term there would be considerable benefit from Option 2, such as information exchange with other New Zealand Councils, easier access to expertise and networking opportunities.

RECOMMENDATIONS

1. That the information be received.
2. That the Environmental Management Committee adopts the Cities for Climate Protection programme but continues discussions with Local Government New Zealand and other agencies with regard to participating in a national programme if one is established.

Report prepared by: Katja Lietz, Project Manager: Sustainability Projects.



16 **PAINTED APPLE MOTH UPDATE REPORT FROM THE MINISTRY OF AGRICULTURE AND FORESTRY**

PURPOSE OF THE REPORT

A25-A31

The purpose of this report is to present the fifth of the monthly Painted Apple Moth update reports from the Ministry of Agriculture and Forestry, as requested by the full Council meeting 17 August 2001. That report is attached at page A25 in the Attachments supplement. The latest moth trap catch map and key explanation is attached at pages A26 to A27 in the Attachments supplement. Copies of the fortnightly reports sent to all elected members is attached at pages A28 to A31 in the Attachments supplement. Additional information on the painted apple moth eradication programme is also presented here.

BACKGROUND

Aerial Spray Operation

The eradication methods of ground spraying and host removal have proved unable to deal with caterpillars found on tall vegetation or vegetation around the edges of waterways. On 18 October 2001 the Ministry of Agriculture and Forestry obtained Cabinet approval and funds to conduct an expanded painted apple moth eradication programme that included a targeted aerial spray operation using Btk. The aerial spray operation would use a helicopter to target Waikumete Cemetery, Traherne Island and along the margins of the Whau River and Wairau Creek. Initial plans to spray an area of three hundred hectares were changed in December to five hundred and sixty hectares. The maximum area allowed by Cabinet is six hundred hectares. The targeted aerial spray zone covers all caterpillar finds except three historical sites.

The first targeted aerial spray was conducted from 21 - 24 January 2002 with the second targeted aerial spray scheduled to occur three weeks after this.

Public Consultation

The Ministry of Agriculture and Forestry has held two public meetings, one on 23 August 2001 and a second on 7 November 2001. Both meetings were held at the New Lynn Community Centre.

A third public meeting was organized by the Community Coalition against Painted Apple Moth and held at the Kelston Community Centre on 17 January 2002.

STRATEGIC CONTEXT

The Ministry of Agriculture and Forestry has an obligation to do all that is required in terms of its legal responsibilities under the Biosecurity Act 1993. Council has encouraged and facilitated this where possible.

Council has an obligation to protect native ecosystems, native flora and fauna habitat and the ecological processes associated with these systems both under the Resource Management Act 1991 and under the District Plan issues 5.2 and 5.5. Equally, Council has an obligation to protect and represent the residents of Waitakere City.

ISSUES

Weather and high winds delayed the second targeted aerial spray but it was successfully conducted over 17 - 19 February 2002. Two targeted aerial sprays have now been completed. There will be an interval of approximately three weeks between targeted aerial sprays with the next spray scheduled to commence on 9 March 2002. The Ministry of Agriculture and Forestry will assess the progress of the targeted aerial spray operation after the third targeted aerial spray and deliver a progress report to Cabinet.

The painted apple moth eradication programme will then continue until six to eight good sprays are achieved, or the operation will be expanded to a larger area, or eradication will be deemed no longer suitable and other control measures may be implemented. The Ministry of Agriculture and Forestry is to commence preparations for blanket spraying to ensure that the operation is not further delayed should blanket spraying be deemed necessary.

EcoWater have advised WaterCare Services Limited that WaterCare should take all steps necessary to ensure that any threat to the water supply from aerial spraying is quantified and prevented. WaterCare are currently awaiting further technical information from the Ministry of Agriculture and Forestry to identify potential issues and impacts should the water catchment area be included in the aerial spray zone in the future.

Some concerns raised by residents over the targeted aerial spray programme are:

- Some gully areas have been sprayed twice in the second round of targeted aerial spraying.
- Some residents have received spray drift outside of the areas identified on the Ministry of Agriculture and Forestry's maps.
- Dissatisfaction with the medical help organized by the Ministry of Agriculture and Forestry.

No information has been received to date to indicate that the Ministry of Agriculture and Forestry or the Auckland District Health Board have acted upon any of the recommendations made from last month's report which related to:

- Practical advice to schools;
- Revising the health and environmental impact assessment reports on Btk;
- Preparing health and environmental impact assessment reports on Decis Forte;
- That only Btk is used in ground spraying operations on Council land;
- And that the Waitakere Quarry is monitored for moths.

RESOURCES

Waitakere City Council currently contributes staff time and expertise where possible to aid the Ministry of Agriculture and Forestry or its contracting parties carrying out work on Council land. It is not expected that Council will put any financial resources into this operation as it is a matter of national biosecurity and is under the jurisdiction of the Ministry of Agriculture and Forestry through the Biosecurity Act 1993.

Council officers have also formed a Council Response Team to identify health, risk management, operational and logistical issues associated with the aerial spray operation. These issues are then identified to the Ministry of Agriculture and Forestry and its public relation consultants to ensure they are aware of these issues and take appropriate measures to address them.

The time involved in this project has meant that other projects have had to be deferred or progress delayed.

CONCLUSION

The second round of targeted aerial spraying to eradicate the painted apple moth has been completed. A third targeted aerial spray is scheduled to commence on the 9 March 2002. The Ministry of Agriculture and Forestry will then assess the effectiveness of the eradication programme and deliver a report to Cabinet where the direction of the eradication programme will be reviewed.

RECOMMENDATION

That the information be received.

Report prepared by: Kerry Bodmin, Landscape Planning Coordinator.



17 CONTAMINATION ON HORTICULTURAL SITES - GUIDELINES FOR COPPER

PURPOSE OF THE REPORT

The purpose of this report is to provide the Environmental Management Committee with information about the results of a recently received report prepared for KPMG Legal (acting on behalf of the Council) by Meritec Limited. The report is entitled "Acceptable Copper Concentrations In Soil: A Review Of Current Soil Quality Guidelines", and is dated February 2002. This report will be made available under separate cover.

BACKGROUND

At its February 2002 meeting, this Committee received information on the Auckland Regional Council/Auckland District Health Board report by Ms Sally Gaw entitled "Horticultural Soils in the Auckland Region". This report was accompanied by an Agenda item that discussed the issues for Waitakere City arising from Ms Gaw's report.

Ms Gaw's report investigates whether trace chemicals remain in horticultural soils in the Auckland Region, and outlines the results of soil sampling tests carried out on a variety of current and past horticultural sites. It notes both national and international guidelines and standards for acceptable levels of six chemicals. These chemicals are DDT, DDD, Dieldrin, Lead Arsenate and other Arsenicals, Copper, and Mercury. Ms Gaw makes several recommendations, including one that territorial local authorities require contaminated site assessments prior to allowing a change in land use, subdivision or redevelopment of greenfield sites.

Ms Gaw's report uses the joint New Zealand Ministry of Health/Ministry for the Environment Guideline document "Health and Environmental Guidelines for Selected Timber Treatment Chemicals (1997)" as a base document. This Guideline document derives (amongst other things) trigger levels at which further investigation for possible soil contamination is required. Ms Gaw's report identifies that many of the sites sampled as part of her research exceeded various chemical thresholds for residential land use.

One of the chemical components measured in Ms Gaw's report is copper. The copper level has attracted the most comment from landowners in Waitakere City. The derived level (where 50% of food consumed is from produce grown on site) is 80 ppm (parts per million) or 8 milligrams of copper per kilogram of soil (80 mg kg⁻¹). The Auckland Regional Council is currently using the 80ppm level as the threshold at which further investigation is required. This has, to date, been accepted as the standard by this Council when processing subdivision and development applications. Where the 80ppm level has been exceeded, the Proposed District Plan City Wide Rule for Contaminated Sites applies, making the development, redevelopment or use of a contaminated site a discretionary activity.

A number of potentially affected landowners in Waitakere City are questioning the appropriateness of this level. They have advocated that naturally occurring (ambient) copper levels may be equivalent to or exceed 80ppm, and that adverse health effects arising from copper have not been demonstrated. On this basis, landowners and their representatives have advocated a higher level of copper as the threshold for further investigation. Higher thresholds that have been advocated include 130ppm, 390ppm, and in correspondence received by the Chief Executive, Mr Owen McShane advocated a threshold of 2000ppm.

Waitakere City is concerned at the impact that application of these guideline levels may have on landowners who wish to subdivide their land. Of particular concern are the costs of soil tests, and a practical approach to site remediation should a property be deemed to be contaminated by copper. On the other hand, should the use of the land be changed to allow urban residential or more intensive rural residential use, the Council has a duty of care for both the health and safety of current and future residents, and the environment.

STRATEGIC CONTEXT

In Waitakere City, much of the land in the Foothills Environment (located between the bushed part of the Ranges and the urban area) is or has been used for vineyards or orchards. Much of the Countryside Environment (in the north of the City) has also been used for horticultural purposes. Ms Gaw's Report is seen to have particular relevance for horticultural land that has been identified for future urban use, or intensification of rural use (such as rural lifestyle lots).

One of the roles of Council is to administer the City in such a way as to protect public health and safety. Objective 7 of the Wellbeing Support strategic direction is "Citizens of the City have a safe and healthy environment". The Council also seeks to ensure that our native and other ecosystems are protected from threats to their ongoing survival. One such threat is potential chemical contamination of waterways, once the land is disturbed by development.

The Council is also keen to ensure that landowners are not put to unnecessary expense while subdividing or developing their land, and that appropriate standards and methods for land remediation, if required, are in place.

A32-A56

As the Committee is aware, there are a number of issues arising from Ms Gaw's Report that affect subdivision and development across the City. These were identified in the February 2002 Agenda Item on this matter, as attached at pages A32 to A56 in the Attachments supplement.

Given this multi-faceted debate, the Council, via KPMG Legal, commissioned Meritec Limited to provide additional information, research international standards and guidelines for copper contamination in soil, review ambient (naturally occurring) copper levels in Auckland, health and environmental effects and a brief review of the 1997 Ministry of Health / Ministry for the Environment guideline. The main findings and recommendations of the Meritec Report are summarised below for the Committee's consideration.

FINDINGS FROM THE MERITEC REPORT "ACCEPTABLE COPPER CONCENTRATIONS IN SOIL: A REVIEW OF CURRENT SOIL QUALITY GUIDELINES"

The Meritec Report lists various trigger levels for copper in New Zealand, Australia, Canada and the Netherlands. These levels vary from 40ppm to 5000ppm, with the median being 100ppm. The key finding of the Meritec Report is that Meritec recommends that the current Auckland Regional Council proposed soil copper concentration limit of 80 ppm be accepted as a suitable "trigger" level to initiate further site investigations.

The Auckland Regional Council collated ambient copper levels in soil during 1999. The Meritec Report states that all of the 99 soil samples produced ambient results below 60ppm, with the exception being volcanic derived soils. The report goes on to states that given the mainly clay based soils in Waitakere, the Auckland Regional Council data suggests that the ambient copper levels are below 60ppm. This means that soils in Waitakere City that provide soil sampling test results above the 80ppm level are likely to have been contaminated, rather than the test result level being the ambient level for that site.

Meritec's investigations of the United States National Library of Medicines database identified that under normal conditions, copper is benign to humans, and is not currently considered to be a carcinogen. In certain conditions copper is, however, considered to present a risk to human health, with the key effects of copper toxicity that have been identified are reported cases of liver disease that is often fatal in infants, and gastrointestinal upsets. These key effects are, however, based upon a review of the drinking water standards for copper.

The Meritec Report concludes that any risk assessment of copper should ideally be made on a site specific basis, and the trigger level of 80ppm should only be used as an indicator. Additional factors that should be considered in conjunction with the outcomes of soil testing include:

- Land use;
- Potential child occupancy;
- Leaching potential;
- Single or multiple contaminants;
- Bio-availability of contaminants;
- Depth of contaminants;
- State of site surface; and
- Uncertainties in sampling methodology and toxicological assessment.

RESOURCES

The Council continues to provide staff resource to attend the Regional Liaison Group that the Auckland Regional Council has convened to address matters arising from this issue. It is expected that attendance at this Group will continue until at least December 2002. Now that Ms Gaw's Report is publicly available, it may be useful to develop further information to assist landowners and their representatives (planning consultants, surveyors and lawyers) to understand this issue. It is also important that they understand the processes that they will be required to undertake and their cost, should they wish to subdivide or develop their land.

Staff resource will also continue to be used in the following areas work areas. The development of the Northern Strategic Growth Area, the Babich and Penihana land, structure plan development and implementation, and in subdivision consent processes, where soil contamination tests are often required by the Council as part of the information used to assess the subdivision application. All of these work areas include a component of work relating to soil contamination assessment, and no new resources are required to address this matter at present.

CONCLUSION

The Council commissioned Meritec Limited to prepare a report on the emerging issue of the chemical contamination of horticultural soils. This report, entitled "Acceptable Copper Concentrations In Soil: A Review Of Current Soil Quality Guidelines", was completed in February 2002. It recommends that the Auckland Regional Council proposed soil copper concentrations limit of 80ppm be accepted as a suitable trigger to initiate further site investigations. The 80ppm trigger level is derived from the New Zealand Ministry of Health/Ministry for the Environment Guideline document "Health and Environmental Guidelines for Selected Timber Treatment Chemicals (1997)". The 80ppm level is a useful precautionary approach, given that ambient levels in Waitakere City are considered to be less than 60ppm.

Further to this, Meritec consider that a risk assessment of copper should be made on a site-specific basis and that the 80ppm level only be used as an indicator. Other factors to be included in the contamination assessment should be land use; potential child occupancy; leaching potential; single or multiple contaminants; bio-availability of contaminants; depth of contaminants; state of site surface; and uncertainties in sampling methodology and toxicological assessment. A determination as to whether or not a site is contaminated and therefore requires remediation should only be made after consideration of all relevant factors, including the concentration of residual chemicals in the soil.

RECOMMENDATIONS

1. That the information be received.
2. That the Environmental Management Committee confirm that for copper, the trigger level for further site specific risk assessment and investigation is 80 mg kg⁻¹ dry weight (80ppm) as per the New Zealand "Health and Environmental Guidelines for Selected Timber Treatment Chemicals" for residential setting with 50% produce ingestion.
3. That further information to assist the public to understand the soil contamination issue be prepared as it is required.

Report prepared by: Eryn Shields, Service Planner.



18 PROPOSED SH16/18 - DISCHARGE CONSENT DECISION

This item will be considered in the Confidential Supplement of the agenda, and has been circulated to members separately with this agenda.

PROCEDURAL MOTION TO EXCLUDE THE PUBLIC

That the public be excluded from the following part of the proceedings of this meeting, Proposed SH16/18 - Discharge Consent Decision.

The general subject of the matter to be considered while the public is excluded, the reason for passing this resolution in relation of the matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of the matter to be considered.	Reason for passing this resolution in relation to the matter.	Ground(s) under Section 48(1)(a) for the passing of this resolution.
<ul style="list-style-type: none">Proposed SH16/18 - Discharge Consent Decision	The withholding of information is necessary in order to: <ul style="list-style-type: none">Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations.	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 7(2)(i) of that Act which would be prejudiced by the holding of the relevant part of the proceedings of the meeting in public as follows:

- The information contains advise that could be raised in Court and therefore prejudicing Council negotiating position.

